

DOCKET NO. 3:12-cv-00796-FDW-DSC

Plaintiffs,

CONSENT JUDGMENT

Defendants.

Janus II products as currently configured with respect to their Comparison Feature and Patient Alignment Feature, as defined below.

2. With respect to the allegedly infringing products, Plaintiffs and Defendants are direct competitors, and Defendants' continued infringement would cause Plaintiffs irreparable harm for which an award of monetary damages would not fully compensate Plaintiffs.

3. The balance of hardships, if any, imposed by this injunction, favors the Plaintiffs and the public will not be harmed by reason of the entry of this Order.

4. Defendants and their respective subsidiaries, officers, agents, servants and employees, as well as those persons acting in concert or and participating with Defendants who receive actual notice of this Consent Judgment, are hereby enjoined from making, using, selling offering for sale, or importing in or into the United States, their Image Pro I, Image Pro II, Janus I, and Janus II products that incorporate or otherwise enable the Comparison Feature or Patient Alignment Feature, or colorable variations thereof that infringe claims of the '003 Patent and/or '259 Patents, and from indirectly infringing those patents by inducing or contributing to the infringement thereof by others.

5. For purposes of this Order, the Comparison Feature and Patient Alignment Feature shall be defined as follows:

(a) "Comparison Feature" shall mean generating a comparison between a numeric severity determined for an area containing a skin defect of a first acquired digital image of a portion of a person, and either a value associated with a population of people or a value associated with the person after a skin treatment; and,

(b) "Patient Alignment Feature" shall mean overlapping a first stored digital image of a person taken at a earlier time with a second live image of the person, with one of the first or second images being substantially translucent so as to permit the viewing of the one through the other in order to align the two.

6. This action, including all claims asserted against Defendants and all counterclaims asserted by Defendants, is hereby dismissed with prejudice with each party to bear its own costs, expenses and attorney fees. This dismissal, however, shall not affect Paragraphs 1, 2, 3, or 4, hereof.


7. This Consent Judgment is final and binding upon the parties. Specifically, paragraphs 1 and 2 hereof shall constitute *res judicata* in any future litigation between the parties, their successors or assigns regarding not only the devices that are the subject matter of this action but also other devices designed, developed, sold, offered for sale or imported by Defendants, their successors or assigns.

8. The parties waive any right to appeal from this Consent Judgment.

9. This judgment resolves all claims of all parties.

IT IS SO ORDERED.

Signed: July 30, 2013


Frank D. Whitney
Chief United States District Judge



CONSENTED TO BY:

<p><u>/s/Thomas L. Duston</u> Thomas L. Duston Marshall, Gerstein & Borun LLP 6300 Willis Tower 233 South Wacker Drive Chicago, Illinois 60606 T: 312.474.6300 F: 312.474.0448 E: tduston@marshallip.com <i>Attorney for Plaintiff, The Procter & Gamble Co. and Canfield Scientific, Inc.</i></p>	<p><u>/s/John C. Nipp</u> John C. Nipp (N.C. State Bar No. 23406) SUMMA, ADDITON & ASHE, P.A. 11610 North Community House Rd Suite 200 Charlotte, North Carolina 28277-2199 Telephone: (704) 945-6710 Facsimile: (704) 945-6735 jnipp@summalaw.com <i>Attorney for Defendants PSI Co. Ltd., and Enhanced Image Technologies, LLC.</i></p>
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